

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T.
GIAMPA, ADVANCED SPINE CENTERS,
INC., d/b/a FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J.
CULLINEY, D.C. and JENNIFER
McCONNELL, D.C.

Defendants.

Civil Action No. 1:05-cv-11693-RCL

MOTION TO VACATE ORDER TO SHOW CAUSE

NOW COMES the plaintiff, Encompass Insurance Company of Massachusetts (hereinafter "Encompass"), and requests that this Honorable Court enter an Order VACATING the Order to Show Cause issued on June 20, 2007 regarding Lisette Sierra (Docket #139). Ms. Sierra has expressed her intent to appear for her deposition on July 18, 2007. Encompass hereby reserves the right to request an additional Order to Show Cause and any other appropriate relief should Ms. Sierra fail to appear on the above date.

Respectfully submitted,
Encompass Insurance Company,
By its attorneys,

/s/ Michael W. Whitcher

Richard D. King, Jr., BBO#638142
Nathan A. Tilden, BBO#647076
Michael W. Whitcher, BBO#663451
SMITH & BRINK, P.C.
122 Quincy Shore Drive
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Dated: June 29, 2007

Certificate of Service

I, Michael W. Whitcher, hereby certify that on this 29th day of June, 2007, this document was filed through the CM/ECF and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

This document was also served upon the following individual, via first-class mail, postage pre-paid:

Lisette Sierra
623 Arboretum Way
Canton, MA 02021

_____/s/ Michael W. Whitcher_____